THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL CASE NO. 1:14-cv-00261-MR-DCK

CINDY CALDWELL,	,
Plaintiff,)
vs.	ORDER)
PEERLESS INSURANCE COMPANY and PEERLESS INDEMNITY INSURANCE COMPANY,)))
Defendants.))

THIS MATTER is before the Court on the Defendant Peerless Indemnity Insurance Company's Motion to Dismiss [Doc. 9]; the parties' Stipulation Regarding Correct Party Defendant [Doc. 14]; and the Magistrate Judge's Memorandum and Recommendation [Doc. 15] regarding the disposition of the Motion to Dismiss.

In response to the Motion to Dismiss, the Plaintiff stipulates that Peerless Indemnity Insurance Company should be dismissed without prejudice from this action. [Doc. 14].

Accordingly, **IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation [Doc. 15] is **ACCEPTED**; the Defendant's Motion to

Dismiss [Doc. 9] is **GRANTED**; and the Plaintiff's claims against the Defendant Peerless Indemnity Insurance Company are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Martin Reidinger

United States District Judge